

in-council, the province cannot, by declaring a forfeiture of the concession and enacting a statute purporting to alter the conditions of the scheme previously approved, acquire jurisdiction to legislate over the civil right which arose in favour of the bondholders in London to claim from the bank in Montreal, outside of the jurisdiction of the Alberta legislature, a return of the money which they had advanced for a purpose which had ceased to exist.

The King v. Lovitt, [1912] A.C. 212, distinguished.

4. As the effect of the Alberta statute, 1910, ch. 9, the Alberta and Great Waterways Railway Bonds Act, if validly enacted, would have been to preclude the bank, through which the money of the bondholders was being advanced under the terms of a government concession, from fulfilling its legal obligation accruing and remaining enforceable at a place outside of the Province of Alberta, the statute is *ultra vires*.

Sir R. Finlay, K.C., and *William Finlay*, for all the appellants. *J. H. Moss*, K.C., for the appellants the Alberta and Great Waterways Ry. Co., and the Canada West Construction Co. *S. O. Buckmaster*, K.C., *C. A. Masten*, K.C., and *Geoffrey Lawrence*, for respondents.

Dominion of Canada.

SUPREME COURT.

Que.] CITY OF MONTREAL v. LAYTON. [Feb. 18.

*Public health—Suspected food for sale—Action by health officers
Control by Court—Evidence—Injunction.*

In December, 1910, the appellant company had a large quantity of eggs, frozen in bulk, stored in the warehouse of a cold storage company, the *mis-en-cause* in the action. On Dec. 19th a food inspector of the city of Montreal entered the warehouse and removed four cans of the eggs, and on the 25th notified the cold storage company that the whole lot was under seizure until a report was obtained on the samples so taken. On Jan. 24th, 1911, the Chief Food Inspector of the city notified the cold storage company that they must consider the eggs as still under seizure and not allow any of them to be removed or sold, and on